App. F. IX-4

1949-50
(CB)

172-49
File No. ~~2-48-49~~

Serial Nos. 1, 2

Previous References.

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for Jan 1950

SUBJECT

Powers of the Public Service Commission to grant leave to and make in-charge arrangements amongst the Officials working in his Office.

Jon 2/6/50

Re: Incharge arrangements during the period of p.l. to Sri. S. Devaraj, Secy, p. S. Commissioner

1889 C.B.

Extract of letter no. 8968/p.S.C 29-49-5 dated 10.10.49 from the public Service Commissioner, Bangalore, requesting to issue an o.M. placing Sri. K.N. Thammaiah, Manager, p.S.C's office in additional charge of the duties of the Secy to p.S.C. during the period of p.l. granted by him to Sri. S. Devaraj, viz, 30.4.1949 to 13-5-1949 (three days inclusive.

Submitted

1) The incharge arrangements are stated to have been made by the public Service Commissioner and the p.l. to Sri. S. Devaraj has been sanctioned by him.

2) Draft o.M. is put up for approval or other orders.

klb
9/11/49. By Df, as pointed out by the Comptroller, all appointments, postings etc. are orders by the Chief Secretary, it is not clear

In-charge arrangement made during the period of privilege leave of Sri S. Devaraj, Secretary to the Public Service Commission

Why the sanction of the Chief Secretary was not obtained to the grant of leave to Sri Devaraj and the in-charge arrangements in his place.

4) The Public Service Comn. is one of the offices whose 9.11-69 names are included in Appendix 'O" of the K.S.R. which contain the list of Hds of Depts to whom powers are delegated under Arts, 43, 54, 69, 79, 106, 117, 147, 196, 308, 341, 408, 410, 411 and 473. under Art 408(d), K.S.R. the Hds of Depts specified in Appendix "O" are authorised to grant privilege leave to Gazetted officers working under them upto a period of one month. They are also empowered to make in-charge arrangements in such vacancies and sanction the charge allowance admissible under Art. 95. Such arrangements should not be made in any that

short absence, not exceeding ten days, and even if made for any reason, no charge allowance is admissible in such cases. In the present instance the Public Service Comn. has granted privilege leave of absence from 30-4-49 to 13-5-49 (both days inclusive) to Sri S. Devaraj, this Secy and placed ~~in additl. charge~~ Sri K.N. Thanuniya, Manager of the office of the P.S. Comn. in addl. charge of the duties of the Secy. The above ~~arrang~~ action of the P. S. Comn. is in accordance with the orders in force.

But from the copy of the letter No. 1314/A1 dated 30th August 1949 from the Comptroller to Govt addressed to the Public Service Comn. it may be seen that the charge allowance admissible to an officer has to be sanctioned by the Chief Secy as all appointments & postings in the office of the P. S. Comn. are ordered by the Chief Secy. In view of this ~~the~~ the question regarding grant of leave to Sri S. Devaraj, the in-charge arrangement and the grant of ~~addl~~ charge allowance will have to be approved ~~by the~~ now ~~approved~~

In charge arrangement made during the privilege period of the privilege leave of Sri S. Devaraj Secretary to P.S.C. 1889 EB

and the power delegated to the P.S. comr under Art. 408 (d) will be null and void.

Sanction may be accorded to the arrangements and to the grant of charge allowance and the comptroller to Govt may also be requested to clarify the point regarding the power delegated to the P.S. Comr under Art 408 (d)

CHIEF SECRETARY (P S'te) 21 NOV 1949 GOVT. OF MYSORE

Chief Secy
sd/-
25/11/49

5 IGS.
24/4
sd/-
24.11.49

Submitted

1 The P.S. Commissioner has requested to issue an O.M. regarding the in charge arrangement he has made. (Vide P.U.D.)

2 The Comptroller to Govt will be requested to clarify the point regarding the power delegated to the P.S.C. after the O.M. is issued.

3 Draft O.M. already put up is for approval.

Kly
sd/-
24.11.49

3 Issued
sd/-
24.11.49

24.11.49 Issued O.M. No. 54/8-19/C-B-172-49-1 dated 26.11.49 placing Sri. K.N. Thammiah, Manager, P.S. Comm's office in additional Charge of the duties of the Secy to the P.S.C. from 30.4.1949 to 13.5.49 during the period of P.L. granted to Sri. S. Devaraj, Secy to P.S.C. To the comptroller to Govt

P.S.C.

• In-charge arrangements made during the period of P.L. granted to Sri S. Devaraj, Secy to P.S.C.

1889/2958
C.B. C.B.

Submitted

9) Draft letter to the Comptroller to Govt as suggested in para 4 is put up for approval.

L.O. Issued
29.11.49

29/11/49.

29.11.49

Issued letter no. 5775/C.B. dated 1.12.49 to the comptroller to Govt enquiring whether the P.S.C. is not empowered to grant leave to the officers working under him and to make in charge arrangements during that period under Art 408(d) of the M.S.R.

Govt.

Letter no. 331/A1 dated 4.1.50 from the comptroller to Govt, stating that the public Service commissioner has no similar powers, as, under Art 410(a) of the M.S.R, with regard to the non-Gazetted officers working under him and that an exception to Art 410(a) of the M.S.R may be issued if necessary.

11/1
Chief Secy's orders on p.u.d.
"No Objection".
Sd. R.S.
7.1.50.

Submitted.

12 It is stated that the P.S.C. cannot exercise the powers delegated to Heads of Depts under Art 408 (d) of the M.S.R. in respect of Gazetted officers working under him and as regards non-Gazetted officers working under him he has no similar powers, as, under Art 410(a) of the M.S.R, this power is being exercised by the Chief Secy to Govt.

13 The comptroller is of opinion that if necessary an exception to Art 410(a) may be issued so that the P.S.C. may grant leave and make in-charge arrangements in the case of Non-Gazetted officers working under him notwithstanding the fact that the power of their appointment does not vest in him.

14 Submitted for orders.

9/11/50.

15 Please put up draft G.O.

Sd. 9.1.50. - vide para 11.

powers of the P.S.C. to grant leave and make in-charge arrangements amongst the officials working in his office.

1889 √ 2958

b) Draft G.O. is put up for approval on clear orders.

KLy
9/1/59

17. Power is delegated both under Art. 408 and Art. 410 of the M.S.R. to the Hds. of Deptt. specified in Appendix O, and the P.S.C. is one of the Heads of Depts. included in this Appendix. It is not, therefore, clear why a fresh delegation of powers is necessary making it an exception as suggested. If the Chief Secretary to Govt., as the appointing authority in respect of the P.S.C's Office, is exercising powers under Art. 410 the P.S.C. cannot, clearly, exercise the same powers under the same Art. of M.S.R. as shown in Appendix O. If approved,

powers of the P.S.C. to grant leave to and make ad-charge arrangement amongst his officers working in his office. 1889/2958/C-B.

The file may be sent, unofficially, to the Comptroller for clarification.

18 secret 11.1.50,

Chief Secy)

19 9/6 12/1 secret 12/1/50.

CHIEF SECRETARY 6723 12 JAN GOVT. OF MYSORE

11.1.50.

U.O. No. 43/CB Dated 13/1/1950

2) Forwarded with compliments to the comptroller to Govt, Bangalore, for favour of remarks on para 17 supra.

COMPTROLLER'S OFFICE U.O. No. 57 Date 13-1-50 Special Section BANGALORE

13.1.50

for Chief Secretary to Govt. 13/1/50.

12.1.50.

623 30/1/50

21) U.O.No.494/A.I dated 17-2-50.

CHIEF SECRETARY 76 20 FEB GOVT. OF MYSORE

Returned with Compliments.

Though the Public Service Commissioner has been included in the Appendix 'O' of M.S.R., and delegated with powers under Art.410(a) M.S.R., he is not actually exercising the same in practice but as stated in this office letter No.331/A.I dated 4-1-50, these powers are being exercised by the Chief Secretary to Government. So long as the Chief Secretary continues to be the appointing authority in respect of the establishment of the P.S.C's Office, the power delegated to the Public Service Commissioner under Art.410 is ineffective as the appointing authority will have also the power of ordering acting and incharge arrangements under this rule. If, Government consider, that arrangements of a purely temporary nature such as acting and incharge arrangements contemplated in Art.410(a) of M.S.R., may be sanctioned by the Public Service Commissioner without

22) 20/2/50.

Powers of the P.S.C. regarding grant of leave to officers under 295 C.S.R.

reference to the Chief Secretary, an exception to Art.410(a) to this effect is necessary as explained in this office letter of the 4-1-50; otherwise the present procedure of getting such incharge arrangements sanctioned by the Chief Secretary to Government will have to continue.

Comptroller.

RR-

23) Submitted. In view of the impending constitution of a Public Service Commission in the State having regard to the changes in the constitution of the State since January 26, 1950, there does not seem to be any necessity at present to re-define the powers delegated to the Public Service Commission. If approved, this file may be closed.

Chief Secy)

CHIEF SECRETARY'S 1533 18 MAY 1950 GOVT. OF MYS

16-5-50

17.5.50.

18/5/50

B

SWKLN 1889
Cs

No.8968/P.S.C.29-49-5. Office of the Public Service Commissioner
in Mysore, Bangalore, 10th Octr. '49.

To

The Chief Secretary
to the Government of Mysore,
Bangalore.

S i r,

SUBJECT :- In charge arrangements made during the period of privilege leave.

I have the honour to forward herewith a copy of letter No.134/A dated 30-8-1949 from the Comptroller to Government and to request you kindly to issue an O.M. for the following in-charge arrangements made by me for the conduct of work in my office :-

(1) Sri K. N. Thammaiah, B.A., Manager, P.S.C.'s Office. - Placed in additional charge of the duties of the Secretary to the Public Service Commissioner from 30-4-1949 to 13-5-1949, both days inclusive when Sri S. Devaraj, B.A., Secretary, was on privilege leave which was sanctioned by me.

x x x x x x .

x x x x x x

Yours faithfully,

(Sd/-) H. Hombe Gowda.

PUBLIC SERVICE COMMISSIONER.

GENERAL & REVENUE ... 28 OCT 1949 ... CONFIDENTIAL BRANCH.

AD. 2233/48-50 Dt. 26.10.49

EXTRACT. to Confidential Branch.

FOR CHIEF SECRETARY TO GOVERNMENT.

Copy of letter No. 134/A.1 dated 30th August 1949 from the Deputy Comptroller to Government, Bangalore to the Public Service Commissioner in Mysore, Bangalore.

Subject:- Two Supplemental bills of the office of the Public Service Commissioner.

With reference to you D.O. letter No. 3574/49-50 P.S.C. dated 24-8-1949 on the above subject, I am desired to state that the audit objection referred to by you has been raised under Art. 95 of M.S.R. according to which the charge allowane has to be fixed by the authority Competent to appoint the officer who is placed in charge of the current duties of an office in addition to his own duties. As all appointments and postings in your office are ordered by the Chief Secretary to the Government in Mysore, the charge allowance admissible to officials of your office under Art. 95 M.S.R. has therefore to be sanctioned by the Chief Secretary to Government.

The two bills received with your letter under reference are therefore returned herewith for favour of taking further needful action in the matter.

(sd/-) H. HOMBE GOWDA,
Public Service Commissioner.

"C O P Y"

DVS.

for Chief Secy to Govt 25/7/52

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. 5418-19/C.S.172-49-1 *Dated Bangalore,* 26th November *1949* .

OFFICIAL MEMORANDUM.

Sri K.N.Thammaiah, B.A., Manager, Public Service Commissioner's Office was placed in additional charge of the duties of the Secretary to the Public Service Commissioner from 30-4-1949 to 13-5-1949, both days inclusive during the period of Privilege Leave granted to Sri S. Devaraj B.A., Secretary, to the Public Service Commissioner, and is permitted to draw the charge allowance admissible as per rules during the above period.

By Order,

26/11/49

For Chief Secretary to Government.

To

The Comptroller to the Government of Mysore, Bangalore.
The Public Service Commissioner for Mysore, Bangalore.

Copy to: i) Office Branch
ii) Education Branch
iii) Confidential Branch

28/24/4/49

O. M. 5418-19/CS/72-49

Sri. K. N. Thammaiah, B.A., Manager, P. S. C's office was placed in additional charge of the duties of the Secy to the Public Service Commissioner from 30.4.49 to 13.5.49, both days inclusive during the period of P.L granted to Sri. S. Devaraj, B.A., Secy to the Public Service Commissioner, and is permitted to draw the charge allce admissible as per rules during the above period.

By order

Chief Secy

To

The Comptroller to Govt
The P. S. Commr.

Copy to (i) O. B.
(ii) Edn Branch
(iii) Confidential Branch.

24-11-49

5775/CB

1st Decr. 9

The Comptroller to the Government of Mysore,
BANGALORE

Sir,

Sub:- 2 (Two) Supplemental Bills of the Office of the Public Service Commissioner.

With reference to your letter No.134/A.1, dated 30th August 1949 addressed to the Public Service Commissioner on the above subject, I am directed to enquire whether the Public Service Commissioner is not empowered to grant leave to the officers working under him and to make in-charge arrangements during that period under Art.408(d) of the M.S.R.

Yours faithfully,

1.12.49

For Chief Secretary to Govt.

Appendix F. G.—1]

SUBJECT..... Two Supplemental bills of the affair of the .....
..... P. S. Commissioners .....
.....

Section

File No.

Serial No.

Diary No. of letter replied to..1889 C.B.

No. 5775/CB

To

The Comptroller to Govt,
Bangalore.

Sir,

With reference to your letter No. 134/A·1 dated 30·8·49 addressed to the public service commissioners on the above subject, I am directed to enquire whether the P.S.C. is not empowered to grant leave to his officers working under him and to make incharge arrangements during that period under Art 408 (d) of the M.S.R.

Yours faithfully

DSMR
29.11.49
For Chief Secy to Govt

General and Revenue Secretariat

( )

the 19 .

A

Date of issue 1/12/49

Signed by.....

List of enclosures.....

29.11.49

Copied by.....

Examined by.....

WD 06171—GPB—30,000—4-6-49

Sl. 2958
CB

Telegraphic Address :
COMPTROLLER, BANGALORE.

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

No. 331/A1

Bangalore, dated 4th January *1950.*

887/CB

From

Sri. V. T. SREENIVASAN, B.A., B.Sc.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

To

The Chief Secretary to the Govt. of Mysore,

Bangalore.

Sir, No Srir 115 time

CHIEF SECRETARY 7 JAN GOVT. OF MYSORE

Re. Powers of the Public Service Commissioner to grant leave to and make 'in-charge' arrangements amongst the officials working in his office.

With reference to your letter No.5775/CB dated 1-12-49 on the above subject, I have the honour to state that the position of the Public Service Commissioner is somewhat peculiar. He can exercise the powers delegated to Heads of Departments under Article 408(d) of M.S.R. in respect of Gazetted Officers working under him. As regards the non gazetted officers working under him, he has clearly no similar powers, as, under Article 410(a) of M.S.R., this power is being exercised by the Chief Secretary to Government. If necessary an exception to Article 410 (a) of M.S.R. may be kindly caused to be issued so that the Public Service Commissioner may grant leave and make 'in-charge' arrangements in the case of non gazetted officers working in his office notwithstanding the fact that the power of their appointment does not vest in him.

Yours faithfully,

Comptroller.

PA